

REMARKS

INTRODUCTION:

Claims 1-7, and 31-35 are withdrawn.

Claims 8-14, and 16-29 are pending and under consideration. Reconsideration is requested.

ALLOWABLE SUBJECT MATTER:

In the Office Action, at page 7, item 10, the Examiner indicated that claims 19-24 would be allowable if rewritten in independent form. Applicants hold rewriting of these claims in abeyance until the Examiner has had the opportunity to review the arguments presented herein.

REJECTION UNDER 35 U.S.C. §112:

In the Office Action, at page 2, item 2, the Examiner rejected 9 under 35 U.S.C. §112 second paragraph, as being for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Using the non-limiting embodiment disclosed in FIG. 3 as an example, even if the air pressure at the respective entrances of the internal duct 302 and the external duct 112 are the same, since a path of the air to the chamber 106 through external duct 112 is longer than through internal duct 302, the pressure of the air entering the chamber 106 via external duct 112 would be lower than the pressure of the air entering the chamber 106 via internal duct 302.

Accordingly, Applicants respectfully submit that the rejection is overcome.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 2, item 4, the Examiner rejected claims 8 and 13 under 35 U.S.C. §103(a) as being unpatentable over Hachiman et al. (Japanese Patent Publication No. 2002-85898 – hereinafter Hachiman), in view of Taylor et al. (U.S. Patent No. 6,312,507 – hereinafter Taylor), or Sun et al. U.S. Patent No. 6,447,731 – hereinafter Sun), and Watanabe (Japanese Patent Publication No. 02-087175 – hereinafter Watanabe) or Hiromachi (Japanese Patent Publication 2002-282346 – hereinafter Hiromachi). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and

respectfully request reconsideration.

In the Office Action, at page 3, item 6, the Examiner rejected claims 14, and 16-18 under 35 U.S.C. §103(a) as being unpatentable Dhaemers (U.S. Patent No. 5,546,678 – hereinafter Dhaemers) in view of Taylor or Sun, and Watanabe or Hiromachi. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

In the Office Action, at page 4, item 7, the Examiner rejected claim 29 under 35 U.S.C. §103(a) as being unpatentable over Dhaemers, in view of Taylor or Sun, and Watanabe or Hiromachi, and further in view of Eisen (U.S. Patent No. 5,940,988 – hereinafter Eisen) or Ou (U.S. Patent No. 5,555,640 – hereinafter Ou '640). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

In the Office Action, at page 5, item 8, the Examiner rejected claims 8-12 under 35 U.S.C. §103(a) as being unpatentable over Ou (U.S. Patent No. 5,755,040 – hereinafter Ou '040), in view of Taylor or Sun, and Watanabe or Hiromachi. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

In the Office Action, at page 5, item 9, the Examiner rejected claims 14, 16-18, and 25-29 under 35 U.S.C. §103(a) as being unpatentable over Ou '040, in view of Dhaemers and Taylor or Sun, and Watanabe or Hiromachi. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Independent claim 8 recites: "...an ozone disposer to selectively remove ozone from air recirculated into the chamber."

Independent claim 13 recites: "...an ozone disposer to selectively remove ozone from air recirculated into the chamber...."

And independent claim 14 recites: "...a humidifier to selectively supply moisture to the chamber and the article of clothing; a heater to selectively supply heat to the chamber and the article of clothing; an ozonizer to selectively supply ozone to the chamber and the article of clothing when an automatically detected odor level of the article of clothing exceeds a reference odor value; and an ozone disposer to selectively remove ozone from air drawn from the chamber."

As a general matter, to establish a prima facie obviousness rejection, the Examiner

needs to provide evidence of the existence of individual elements corresponding to the recited limitations, a motivation to combine the individual elements to create the recited invention, and a reasonable expectation of success. (See MPEP, at 2143. – “[t]he teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure.’ In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).”, and at 2143.03 – “[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.’ In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).”).

Should the Examiner fail to provide evidence that the individual elements exist in the prior art, or that the motivation exists in the prior art or in the knowledge generally available to one of ordinary skill in the art, then the Examiner has not provided sufficient evidence to maintain a *prima facie* obviousness rejection of the claim. (See MPEP, at 2143.03, and 2143.01). Thus, the burden is initially on the Examiner to provide evidence as to why one of ordinary skill in the art would have been motivated to combine the individual elements to create the recited invention, and to demonstrate that this evidence existed in the prior art or in the knowledge generally available to one of ordinary skill in the art. (MPEP 2143.01).

Watanabe appears to disclose a device that employs an ozone filter 3 to remove ozone from air exhausted from an image forming device.

Hiromachi appears to disclose an air purifier that employs an ozone reduction filter 3 in an air sterilizer, to reduce an amount of ozone in ozone impregnated air.

The Examiner states that the motivation to combine Watanabe or Hiromachi with the other cited references would be to "improve the cleaning efficiency."

But Applicants respectfully submit that there does not appear to be any disclosure in Watanabe or Hiromachi, or any of the other cited references, that supports the assertion that providing an ozone disposer improves cleaning efficiency. Particularly, Applicants respectfully note that neither Sun nor Taylor, the references that the Examiner relies on to teach an ozone generator and sensor, discloses or suggests use of an ozone disposer.

Accordingly, Applicant respectfully submits that there is no basis to assert that one of ordinary skill in the art would be motivated to combine the teachings as asserted by the Examiner, since there is no basis to assert that such a combination would result in improved cleaning efficiency.

As such, Applicant respectfully submits that there is insufficient evidence of a motivation that existed in the prior art and which would have motivated one of ordinary skill in the art to make the combination in the manner set forth in the office action.

Accordingly, Applicant respectfully submits that the Examiner has failed to provide evidence that the motivation to combine the references as suggested by the Examiner exists in the prior art or in the knowledge generally available to one of ordinary skill in the art, and thus, the Examiner has not provided sufficient evidence to maintain a *prima facie* obviousness rejection of the claims.

Moreover, the Examiner simply uses the Appellant's present invention as the recipe and the motivation for achieving the claimed clothes dryer and apparatuses. This is improper hindsight analysis. As stated in the MPEP, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." (MPEP 2143.01 – referring to *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)).

Further, the Examiner has not responded to Applicants' assertion that Dhaemers teaches away from using a humidifier in a clothes drying application. In Dhaemers, there is no disclosed embodiment in which a humidifier is used in a clothes drying application. The only disclosure of a moisture producing system, such as a steamer or cool mist humidifier, are in association with use of the drying chamber 41 by people as a wet sauna. (See Dhaemers, at col. 3, lines 14-16, and col. 8, lines 31-33)). Applicants continue to submit that Dhaemers teaches away from using a humidifier in a clothes drying application.

Accordingly, Applicants respectfully submit that independent claims 8, 13, and 14 patentably distinguish over the cited art, and should be allowable for at least the above-mentioned reasons. Further, Applicants respectfully submit that claims 9-12, which ultimately depend from independent claim 8, and claims 16-29, which ultimately depend from independent claim 14, should be allowable for at least the same reasons as claims 8 and 14, as well as for the additional features recited therein.

CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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